

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9544 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ANJUMAN BEGUM W/O TASLIM AHMEDIDRIS AHMED

Versus

STATE OF GUJARAT

Appearance:

MR II SHAIKH for Petitioners

MR UA TRIVEDI, AGP for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 10/12/96

ORAL JUDGEMENT

1. By way of this Special Civil Application, the petitioner has challenged the order of detention dated 18/09/1996 passed by the Commissioner of Police, Ahmedabad in exercise of powers under section 3(1) of the Gujarat Prevention of Anti Social Activities Act, 1985 (hereinafter referred to as 'the PASA Act, 1985'), with a view to prevent the petitioners from carrying on their activities prejudicial to the maintenance of public

order.

2. It appears from the grounds of detention that the petitioners belong to a gang which include Jay Prakash Lataram Sindhi, Mangalsing, Balkrishna, Bharadwaj, Sarfarajkhan, Janelam Pathan, who have also been detained under the PASA Act, 1985. The said gang has been formed with an idea of committing major thefts and they actually committed such thefts, as a result of which, three crimes of theft and house breaking (u/s 457 and 380 - IPC) and one crime under the Arms Act have been registered against them. The investigation papers coupled with the confession statements of the detainee also indicate that the detainee and his companions had made a plan to commit major thefts in the State. However, that could be prevented because of some effective measures taken by the police. The detainee was found in possession of fire arms. It further appears from the statements of witnesses that the detainee is a head strong person and has created an atmosphere of fear and his activities has the potentiality of resulting into breach of public order.

3. Learned counsel appearing for the petitioner submits that, because of some stray incidents, it cannot be said that the petitioner has indulged into activities which may affect the public order. In view of this, the detention of the petitioner is illegal. The learned counsel placed reliance on decision of the Apex Court in case of Mustakmiya Shaikh vs. M.M.Mehta reported in 1995(3) Crimes 18.

4. I have carefully gone through the judgement of the Apex Court in above referred to decision of the Apex Court. The said judgement is not of any help to the petitioner. There is overwhelming materials on record to show that the petitioner is a member of a gang which indulge in theft in the State of Uttar Pradesh and other States including the State of Gujarat. His activities has created an atmosphere of fear and has also potentiality of resulting into breach of public order.

5. No other points have been urged. In view of the aforesaid, I find no merits in this Special Civil Application and the same is accordingly dismissed. Rule discharged.

Parmar*

